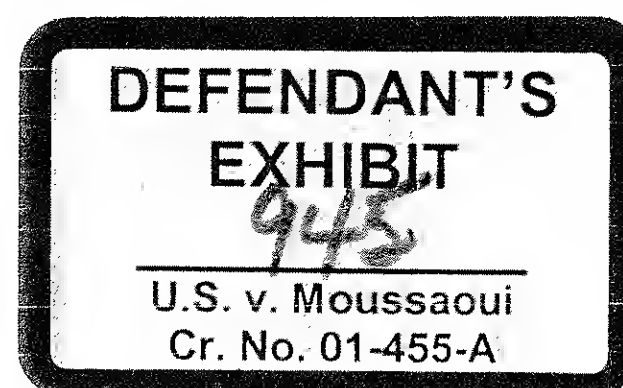


UNITED STATES v. MOUSSAOUI (NO. 01-455)  
SUBSTITUTION FOR THE TESTIMONY OF  
WALID MUHAMMAD SALIH BIN ATTASH ("KHALLAD")

Walid Muhammad Salih Bin Attash, a.k.a. Khallad, was a senior al Qaeda operative who was trained by Khalid Sheikh Mohammed ("Sheikh Mohammed") and who assisted Usama Bin Laden, Sheikh Mohammed, and other high-ranking al Qaeda leaders with several terrorist plots. He has been connected with the August 1998 East African embassy bombings, and has been described as the purported mastermind of the October 2000 suicide attack on the USS *Cole*.

Khallad worked under Sheikh Mohammed's direction to formulate the plan and case the flights for the Southeast Asia component of Sheikh Mohammed's "planes operation." The Southeast Asia component was to hijack and crash or destroy U.S.-flagged commercial airliners in Southeast Asia at the same time as the attacks that occurred in the U.S. With respect to the September 11 attacks on the U.S., Khallad, again working directly under Sheikh Mohammed's control, personally assisted some of the September 11 hijackers. Khallad actually wanted to be part of the group sent to the U.S., but was unable to participate because of his inability to obtain a U.S. visa.

Khallad was captured in April 2003, and has been interrogated over the course of years on multiple occasions since his capture. None of the attorneys for



either the prosecution or defense has been allowed access to Khallad, who is not available to testify either in person or by video for national security reasons.

However, the lawyers have been given numerous written summaries of Khallad's oral statements made in response to extensive questioning.

Listed below are some of the statements Khallad made in response to questioning. You should assume that if Khallad were available to testify in this courtroom under oath and subject to perjury he would have said what is contained in these statements.

Although you do not have the ability to see the witness's demeanor as he testifies, you must approach these statements with the understanding that they were made under circumstances designed to elicit truthful statements from the witness. In evaluating the truthfulness of these statements, you should consider all other evidence in this case, including all exhibits, regardless of which side may have produced the exhibit, and all other witness testimony including summarized statements of other enemy combatant witnesses, that tends to either corroborate or contradict the accuracy of this witness's statements. It is solely up to the jury to decide how much, if any, of any witness's testimony to credit.

1. Khallad said that Zacarias Moussaoui was nicknamed "Al-Sahrawi,"

Khallad saw Moussaoui several times in Afghanistan during 2000, both at

the al-Matar complex and in the Islamic Law Institute in Qandahar.

Moussaoui was alone at the Institute. Moussaoui went to the al-Matar complex to attend lunch, which was organized by the organization in the complex on Fridays and attended by most of the members in Afghanistan.

2. Khallad denied knowing Moussaoui's role in al Qaeda, his role in the September 11 attacks, or his involvement in other al Qaeda operations.
3. While Khallad was in Qandahar, Afghanistan in or about 2000, he was instructed by Abu Hafs al-Masri [al Qaeda's military commander] to take Moussaoui to Karachi, Pakistan, and prepare for Moussaoui to travel to Malaysia. Khallad was also to arrange for internet contact with Moussaoui.
4. Abu Hafs gave Khallad \$10,000 (U.S.) to give to Moussaoui once the two of them reached Karachi. Khallad said he and Moussaoui arrived in Karachi, but had to delay Moussaoui's departure for a few days because they had arrived during a holiday period and the travel agencies were closed.
5. Khallad said he made Moussaoui's flight reservations and provided Moussaoui with an e-mail address and phone number to reach him. Although the phone number was to be used only in emergencies, Khallad said that Moussaoui called him every day from Malaysia, which forced

Khallad to shut off his phone because of Moussaoui's lack of security consciousness. Khallad stated that he informed Khalid Sheikh Mohammed, who grew increasingly upset with Moussaoui's conduct, until Mohammed eventually instructed Khallad to cut off all contact with Moussaoui.

6. Khallad stated that shortly after he broke contact, Moussaoui returned to Afghanistan. Khallad said he and Khalid Sheikh Mohammed had no further contact with Moussaoui from that point on, but Khallad said he heard that Abu Hafs sent Moussaoui out again. It was not until after 9/11/01 that Khallad heard on the news that Moussaoui had been arrested in the U.S.